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4 Attorney for Defendant, PAUL WHITMORE

5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 PAUL WHITMORE,

13 Defendant.

CASE NO: CRF-02-5301 OWW

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**STIPULATION AND ORDER
TO CONTINUE SENTENCING**

The parties hereto, by and through their respective attorneys, stipulate and agree that the hearing scheduled for January 29, 2007 be continued until February 26, 2007 at 1:30 p.m. in the above-entitled court.

This stipulation is necessitated to allow the government additional time to investigate averments in Mr. Whitmore's Motion to Withdraw Waiver of Jury Trial.

The parties also agree that any delay resulting from this continuance shall be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F), 3161(h)(8)(A) and 3161(h)(8)(B)(I).

DATED: January 24, 2007

/s/ David Gappa

DAVID GAPPA

Assistant United States Attorney

**This was agreed to by Mr. Gappa
via telephone, on January 24, 2007**

1 DATED: January 24, 2007

/s/ Roger K. Litman
ROGER K. LITMAN
Attorney for Defendant
PAUL WHITMORE

5 **ORDER**

6 The court having considered the stipulation of the parties and GOOD CAUSE
7 APPEARING, the court now orders that the sentencing hearing currently scheduled
8 for January 29, 2007, be continued to February 26, 2007 at 1:30 p.m.

9 IT IS SO ORDERED.

10 **Dated: January 26, 2007**
11 emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE